

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #4	CCRB Case #: 201701766	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/01/2017 2:41 AM	Location of Incident: § 87(2)(b)	Precinct: 101	18 Mo. SOL 9/1/2018	EO SOL 9/1/2018	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/07/2017 11:11 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Juan Quiroz	03694	939263	101 PCT
2. Officers			Unknown

Officer(s)	Allegation	Investigator Recommendation
A.SGT Juan Quiroz	Abuse: Sergeant Juan Quiroz entered § 87(2)(b) [REDACTED], in Queens.	[REDACTED]
B. Officers	Abuse: Officers entered § 87(2)(b) [REDACTED] in Queens.	[REDACTED]
C. Officers	Abuse: Officers involuntarily removed § 87(2)(b) [REDACTED] to a hospital.	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with IAB by phone on March 1, 2017 (BR 01). The CCRB received the case on March 7, 2017.

On March 1, 2017, at 2:41 a.m., a resident of § 87(2)(b) in Queens called 911 to report the erratic behavior of § 87(2)(b) who lives in § 87(2)(b) of that building. § 87(2)(b) § 87(2)(b) barricaded her door and refused to allow officers to enter.

Officers supervised by Sgt. Juan Quiroz of the 101st Precinct entered § 87(2)(b)'s residence, § 87(2)(b) of the same building, in an attempt to access § 87(2)(b)'s apartment using the fire escape (**Allegation A**). Officers eventually entered § 87(2)(b)'s apartment through her own door, handcuffed her, and took her to § 87(2)(b) via ambulance (**Allegations B and C**). § 87(2)(b) received a psychiatric evaluation and treatment for intoxication and was released. She was not arrested.

The investigation has been unable to obtain video footage of this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation. § 87(2)(b) was deemed to be an unsuitable candidate for mediation.
- As of March 27, 2017, no Notice of Claim has been filed in relation to this incident (BR 02).
- A search of Office of Court Administration records showed no criminal convictions for § 87(2)(b) in the past ten years (BR 03).
- § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint in which § 87(2)(b) is named (BR 05).
- Sgt. Quiroz has been a member of the NYPD for 11 years. There are eight prior complaints against him containing 14 allegations.
 - In case 200914325, the CCRB substantiated allegations of a stop, threat of force, and retaliatory summons and recommended charges. The NYPD imposed command discipline.
 - In case 200918246, the CCRB substantiated a gun pointed allegation and recommended charges. The NYPD imposed no disciplinary action.

Potential Issues

- There are security cameras in § 87(2)(b) however, the building's owner, § 87(2)(b), has not complied with a subpoena for footage that was delivered to them. Efforts to contact anyone associated with building management by phone have been unsuccessful.

- Between March 8 and 27, 2017, two working telephone numbers for § 87(2)(b) were both called five times. He was first contacted successfully on March 13, 2017, and scheduled an interview for March 16, 2017. He failed to appear for the interview and did not cancel in advance. He was contacted again on March 20, 2017, but hung up on the investigator. He was again contacted on March 27, 2017, and said he was unsure whether he still wanted to pursue this complaint. He agreed to contact the investigator when he made a decision, but, to date, has not done so. Letters mailed to him on March 8 and 17, 2017, have not been returned as undeliverable.

Findings and Recommendations

Explanation of Subject Officer Identification

- The IAB log identified Sgt. Quiroz as the officer who supervised the entry of § 87(2)(b) s apartment (BR 01). Therefore, **Allegation A** is pleaded against him.
- Multiple officers entered § 87(2)(b) s apartment and escorted her to the ambulance. These allegations are not being pleaded against Sgt. Quiroz because the Event Unit Information indicates that some of the officers present were from the Emergency Services Unit. § 87(2)(g)

Allegations not pleaded

- Force:** § 87(2)(b) said that officers “pushed” him and his wife, who he did not identify by name, when they entered his apartment. § 87(2)(g)
- Threat of Arrest:** § 87(2)(b) said she discussed this incident with a neighbor – who she refused to identify by name because she did not want to involve him in the complaint – after she was released from the hospital. The neighbor said he saw officers trying to enter § 87(2)(b) s apartment and told them to leave her alone. An officer responded, “If you don’t go in your house and mind your business, we’re going to handcuff you.” § 87(2)(b) did not hear this remark directly, and, because she refused to identify her neighbor, the investigation was unable to contact him to verify this allegation. § 87(2)(g)
- Property Damage:** § 87(2)(b) said officers cut a hole in her door to gain entry to her apartment. § 87(2)(g)
- Force:** § 87(2)(b) said she sustained bruises to her ribs because she was barricading her bedroom door with her body when officers forced entry. § 87(2)(g)

Allegation A – Abuse of Authority: Sergeant Juan Quiroz entered § 87(2)(b)

in Queens.

§ 87(2)(g)

Allegation B – Abuse of Authority: Officers entered § 87(2)(b) in Queens.

Allegation C – Abuse of Authority: Officers involuntarily removed § 87(2)(b) to a hospital.

§ 87(2)(b) said this incident began when she had a physical altercation with another resident of her building named § 87(2)(b) (BR 07). § 87(2)(b) pulled § 87(2)(b) hair and they fell down near the building's stairs. § 87(2)(b) went back to her apartment, but was upset after the fight. She drank approximately seven beers and, while nude, threw a variety of her belongings, including a cat, into the hallway or out of her window. Officers arrived after another resident of the building called 911 (BR 08). The officers came to § 87(2)(b)'s door and asked her to open it, saying that another resident of the building thought § 87(2)(b) was suicidal. § 87(2)(b) refused to answer the door and threw bottles at it in an attempt to "barricade" it with broken glass. The officers eventually gained entry by cutting a hole in the apartment door. § 87(2)(b) went to her bedroom and tried to barricade the bedroom door with her body, but officers pushed it open. They handcuffed her and escorted her to an ambulance outside. § 87(2)(b) was treated in the psychiatric unit of § 87(2)(b) and was released on a later date that she could not recall.

§ 87(2)(b)'s medical records have not yet been received; they will be added to the case file upon receipt. The AIDED Report indicates that she was "disorderly and unable to care for herself" and that she was hospitalized for a psychiatric evaluation (BR 09). A request for the Event Communications CD is pending.

No officers were interviewed for this case, as the information in § 87(2)(b)'s statement proved sufficient to reach a disposition. Sgt. Quiroz's memo book indicates that he spoke to the 911 caller, who said § 87(2)(b) was "suicidal" and had a knife (BR 13).

The Patrol Guide defines an Emotionally Disturbed Person (EDP) as "a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others." Officers are directed to remove individuals who meet these criteria to a hospital by ambulance, and may handcuff or otherwise restrain EDPs who refuse to seek medical treatment voluntarily. Patrol Guide, Section 221-13 (BR 10).

The legal concept of the emergency exception to the Fourth Amendment says that officers may enter an apartment without a search warrant when the following three conditions are met: "(1) The police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. (2) The search must not be primarily motivated by intent to arrest and seize evidence. (3) There must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched." People v. Greenleaf, 222 A.D.2d 838 (BR 11).

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Squad: 4

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date